



PATENT

Docket No.: PD-980183
Customer No.: 020991

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathon Hutchings

Application No.: 09/755,920

Examiner: To Be Assigned

Filed: January 05, 2001

Art Unit: To Be Assigned

For: System and Method for Providing a Timing
Reference for Data Transmissions in a Satellite-
Based Communications Network

Assistant Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
BOX DAC

June 15, 2001

PETITION UNDER 37 CFR 1.47(b)

Dear Sir:

The undersigned attorney respectfully petitions the Commissioner under 37 CFR 1.47(b) to make the above captioned patent application for patent on behalf of and as agent for the sole inventor in this case. The pertinent facts are as follows:

1. The sole inventor of the present invention is Jonathon M. Hutchings.
2. From a time prior to the conception of the present invention continuously to a time after the actual or constructive reduction to practice of the present invention, Mr. Hutchings was a full time employee of Hughes Network Systems ("HNS").
3. As a condition of his employment with H NS, Mr. Hutchings signed an agreement (the "Hutchings Employment Agreement", copy attached) stating in pertinent part that:

... any and all inventions, including developments and discoveries, whether or not patentable, which I may conceive or first reduce to practice, either alone or with others during the period of my employment by Hughes (hereinafter referred to as Hughes inventions), shall be the sole and exclusive property of Hughes ...

4. The Hutchings Employment Agreement further required Mr. Hutchings to:
do all lawful acts, including the execution and delivery of all papers and proper oaths and the giving of testimony deemed necessary or desirable by Hughes et al., with regard to said Hughes inventions, for protecting, obtaining, maintaining, and enforcing any and all Letters Patents in the United States and throughout the

world for said Hughes inventions, and for perfecting, affirming, recording, and maintaining the title of Hughes, et al.

5. Mr. Hutchings has orally refused, on multiple occasions, to sign the Declaration prepared for his signature in connection with the above application. The facts surround these refusals are set forth in the attached "Declaration of Virginia L. Fogle in Support of Petition Under 37 CFR 1.47(b)".
6. The above application was filed in the USPTO on January 05, 2001, without a signed Declaration. A Notice to File Missing Parts of NonProvisional Application – Filing Date Granted was mailed by the PTO on February 20, 2001.
7. Filed herewith is a Response to Notice to File Missing Parts of Nonprovisional Application, including a Declaration identifying Mr. Hutchings as the sole inventor.
8. In view of the foregoing, the undersigned attorney, as patent counsel for HNS, respectfully petitions to make this application for patent under 37 CFR 1.47(b) and requests that the attached Declaration, signed by the undersigned, be deemed to satisfy the requirements for Declaration set forth in 37 CFR 1.63.
9. Mr. Hutchings' last known address is:

Jonathon M. Hutchings
125 Countryhaven Road
Encinitas, CA 92024
(858) 942-1638

10. Please charge the fee under 1.17(i), as well as any additional fees that are determined to be due, in connection with this Petition to our Deposit Account No. 50-0383.
11. The undersigned can be reached at the phone number listed below.

Respectfully submitted,


John T. Whelan, Reg. No. 32,448

HUGHES ELECTRONICS CORPORATION
P.O. Box 956
Bldg. 001, M/S A109
El Segundo, CA 90245-0956
Tel.: (301) 428-7172

Enclosure: Hutchings Employment Agreement